REMARKS

INTRODUCTION:

In accordance with the following, claim 1 has been amended and claims 2, 5 and 6 have been cancelled. Claims 1, 3 and 4 are pending and under consideration.

Reconsideration of the claims is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 3 and 4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action asserts it is not clear what the term "renaming-range" refers to. This rejection is traversed and reconsideration is requested for at least the following reasons.

MPEP § 2173.02 states:

> "[t]he test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read **in light of the specification**." If upon review of a claim in its entirety, the Examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is "vague and indefinite" should be included in the Office action" (emphasis added).

Applicants assert one skilled in the art would understand the term "renaming-range" in light of at least paragraphs [0032] - [0037] and FIG. 5 of the specification.

MPEP §§ 2163(I)(A)) and 2163.04 further state:

> There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. And, because the description as filed is presumed to be adequate, the examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. Indeed, the Office has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims.

Accordingly, if the rejection is to be maintained, Applicants request the appropriate rationale and evidence as outlined above, explaining why one skilled in the art would not understand what is claimed in light of the specification.

REJECTIONS UNDER 35 USC 103:

Claims 1-4 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Pat. No 5,267,145 to Zifferer et al. ("Zifferer") in view of US Pat. No 6,149,318 to Chase et al. ("Chase"). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zifferer and Chase in view of US Pat. No 6,102,966 to Tyma ("Tyma"). Applicants respectfully traverse the rejection for at least the following reasons.

Independent claim 1 recites at least the following:

> signal-name rewriting means for automatically rewriting the selected signal names in the duplicated signal names displayed by the display means to eliminate the duplication of the same signal name assigned for the different coils.

Zifferer, Chase and Tyma, taken separately or in combination, fail to suggest or disclose at least the above-recited features of independent claim 1.

Zifferer is directed to a method and apparatus for program navigation and for editing ladder logic programs. The Office Action notes on page 3 that Zifferer "does not teach the "duplication detection means" and "displaying duplicated signal names detected by the duplication detecting means" as recited in independent claim 1. Accordingly, Applicants assert that Zifferer cannot suggest or disclose the above-recited "signal-name rewriting" because the signal-name rewriting is "for rewriting the duplicated signal names displayed by the display means..." and "detected by the duplication detecting means," both of which the Office Action acknowledges Zifferer fails to teach.

Further, the Office Action asserts Zifferer describes signal-name rewriting means at FIGS. 17-19 and column 9, line 15 – column 10, line 26. Applicants respectfully disagree because Zifferer fails to set forth "automatically rewriting the selected signal names" as recited above. For example, Zifferer requires the user to press function key F7 to display a sequence program creating/editing window on the display screen of the display device in order to eliminate the duplication of the same signal name assigned for different coils (col.9, lines 17-18 and FIG. 14). Further, Zifferer requires the user to manually confirm each replacement when a list contains multiple occurrences of the searched address (see col.9, lines 17-18 and FIG. 14). Accordingly, Zifferer requires additional manual inputs not required in the claimed signal-name rewriting means.

Chase is directed to a method for detection of errors in computer program code by performing comparisons of data types corresponding to common program entities contained in the computer program code in order to identify differing data types that improperly correspond to a common program entity. However, Chase fails to even describe "coils" as recited above, let alone all of the above-recited features. Moreover, the Office Action fails to specifically set forth if and where all of the above-claimed features are disclosed in Chase. If the above rejection is to be maintained, Applicants respectfully request that a specific paragraph number and figure reference be provided in a non-final Office Action so that Applicants are provided the opportunity to respond to clarify the record for appeal.

Tyma fails to compensate for the deficiencies of Zifferer and Chase.

Accordingly, Applicants respectfully submit that claim 1 patentably distinguishes over Zifferer, Chase and Tyma, and should be allowable for at least the above-mentioned reasons. Further, claims 3 and 4 depend from independent claim 1 and should be allowable for at least the same reasons as claim 1 as well as for the additional features recited therein.

No Motivation to Combine

Applicants respectfully submit that the rejection fails to establish a prima facie case of obviousness. To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP 2142. Further, there must be a reasonable expectation of success. MPEP 2143.02.

Here, no citation to the prior art has been offered as providing a suggestion or motivation to modify Zifferer or Chase, nor does the Office Action provide evidence demonstrating an implicit motivation to modify the references. In KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 127 SCt 1727, 167 LEd2d 705 (U.S. 2007), the U.S. Supreme Court held that in determining obviousness, it is necessary "to determine whether there was an apparent reason to combine the known elements in the fashion claimed" slip op. 14, 82 USPQ2d at 1396. Further, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR at 1396, quoting In re Kahn. The reasoning provided in the Office Action states:

> "it would have been obvious for one of ordinary skill in the art at the time of the invention to have modified Zifferer such that the sequence program editing apparatus includes a duplication detection means for detecting duplication of the same signal name assigned for different coils in the sequence program as taught by

> Chase because assigning the same signal name to different coils
> in a sequence program is an error that must be corrected since a
> signal name referring to more than one coil will result in a conflict
> of definitions."

Applicants assert that the cited rationale is merely a conclusion and therefore fails to meet the standard articulated by the Supreme Court in *KSR International Co. v. Teleflex Inc.*

Furthermore, in *KSR* the Supreme Court held that in determining obviousness, one "must ask whether the improvement is more than the predictable use of prior art elements according to their established functions" slip op. 13, 82 USPQ2d at 1396. Applicants traverse the rejection because the recited claims do not recite a predictable use of Chase according to its established functions. In fact, the cited portion of Chase fails to refer to either sequence programs such as ladder logic programs or coils at all. Accordingly, based on the teachings of Chase, one skilled in the art would not have had a reasonable expectation of success and would therefore not have been motivated to combine Chase with Zifferer because Chase is not directed to the detection of duplicate coils as required by Zifferer.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _Dec. 21, 2007_   By: _____

David J. Cutitta
Registration No. 52,790

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501